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REMARKS

Claims 1-13, 15 and 16 are pending in this application and claim 14 is withdrawn. The Applicants have amended claims 8, 13 and 15.

Upon entry of the present amendment, claims 1-13, 15 and 16 are pending in this application and claim 14 is withdrawn.

I. Rejection under 35 U.S.C. § 112, first paragraph

The Office has rejected claims 13 and 15 under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for the treatment of pain, does not reasonably provide enablement for the "treatment of disease conditions caused by overactivation of NMDA NR2B receptor."

Though the Applicants disagree with the position of the Office, in order to expedite the prosecution of this application, claims 13 and 15 have been amended to recite, in pertinent part, "[a] pharmaceutical composition for the treatment of pain."

As such, the Applicants respectfully submit that the rejection of claims 13 and 15 under 35 U.S.C. §112, first paragraph, has been overcome by the present amendment. The Applicants respectfully request that the rejection be withdrawn.

II. Rejection under 35 U.S.C. § 112, second paragraph

The Office has rejected claim 8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Office states that claim 8 should end in a period.

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The Applicants have amended to claim 8 to end in a period and as such, the Applicants respectfully request that the rejection be withdrawn.

III. Rejections under 35 U.S.C. § 102(b)

The Office has rejected claims 1-4, 8, 9, 11, 13, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by Kato et al (Reference U) and Kato et al (Reference V). The Office states that the instantly claimed compound is disclosed and refers to the compounds RN 118912-52-0 and RN 110731-75-4. The compounds RN 118912-52-0 and RN 110731-75-4 both include a pyrazolyl group in the position which corresponds to "A" in the compounds of the present invention.

In response, the Applicants respectfully submit that the compounds of the present invention do not include compounds wherein "A" is pyrazolyl. In claim 1 of the pending application, the term "A" represents a cycloalkylene group having from 3 to 10 carbon atoms or a heterocyclic group having from 4 to 10 atoms. The terms "cycloalkylene group" and "heterocyclic group" as defined on page 11, lines 17-30 of the specification, do not include pyrazolyl. The pyrazolyl group falls within the definition of "heteroaryl" as defined on page 12, lines 4-11 of the specification.

In light of the foregoing, the Applicants respectfully submit that the compounds of the present invention are novel over the Kato et al references and respectfully request that the rejections be withdrawn.

IV. Objections to the Claims

The Office has objected to claims 5-7, 10 and 12 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim.

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Based on the arguments presented above, the Applicants have not amended the dependency of these claims at this time.

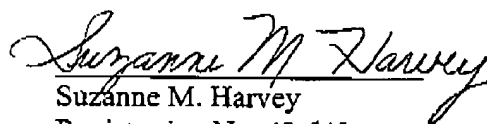
V. Conclusion

Upon entry of the present amendments, the Applicants submit that this application is now in condition for allowance, which allowance is respectfully solicited.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2658.

Respectfully submitted,

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